

PROSKAUER ROSE LLP

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New York, New York 10036

(212) 969-3000

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
JANNIE PILGRIM, GIOVANNA HENSON, :
JESAN SPENCER, BRENDA CURTIS, : Civil Action No.: 07-6618 (CM) (AJP)
Plaintiffs, :
against :
THE MCGRAW-HILL COMPANIES, INC., :
Defendant.
----- X

DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORMS

Defendant The McGraw-Hill Companies, Inc. ("Defendant" or "McGraw-Hill"), by and through its undersigned counsel, submits the attached Supplemental Proposed Special Verdict Forms.

Defendant contends that the jury should not be charged on punitive damages. Should the Court instruct the jury on punitive damages, however, Defendant requests that the trial be bifurcated and that the jury hear evidence regarding, and be charged on, punitive damages only after a finding, if any, of liability and compensatory damages. Defendant submits the attached supplemental proposed special verdict forms in the event the Court charges the jury on punitive damages.

Respectfully submitted,

PROSKAUER ROSE LLP
1585 Broadway
New York, New York
(212) 969-3000
grasin@proskauer.com

By: /s/ Gregory I. Rasin
Gregory I. Rasin
Elise M. Bloom
Steven D. Hurd

ATTORNEYS FOR DEFENDANT

Dated: June 27, 2008
New York, New York

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DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF PILGRIM'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

I. AS TO PLAINTIFF PILGRIM.

A. AS TO PUNITIVE DAMAGES, IF ANY.

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Pilgrim's federally-protected right to be free from race discrimination?

YES _____

NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES _____ NO _____

If your answer is YES, do not answer any further questions and report to the Court. If your answer is NO, proceed to Question No. 3.

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Pilgrim's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM

PROSKAUER ROSE LLP

Gregory I. Rasin

Elise M. Bloom

Steven D. Hurd

1585 Broadway

New York, New York 10036

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Attorneys for Defendant

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JESAN SPENCER, BRENDA CURTIS, : Civil Action No.: 07-6618 (CM) (AJP)
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Plaintiffs, :
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against :
:
THE MCGRAW-HILL COMPANIES, INC., :
:
Defendant.
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DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF CURTIS'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

I. AS TO PLAINTIFF CURTIS.

A. AS TO PUNITIVE DAMAGES, IF ANY.

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Curtis's federally-protected right to be free from race discrimination?

YES _____

NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES _____ NO _____

If your answer is YES, do not answer any further questions and report to the Court. If your answer is NO, proceed to Question No. 3.

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Curtis's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM

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Elise M. Bloom

Steven D. Hurd

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New York, New York 10036

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Attorneys for Defendant

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JESAN SPENCER, BRENDA CURTIS, : Civil Action No.: 07-6618 (CM) (AJP)
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Plaintiffs, :
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against :
:
THE MCGRAW-HILL COMPANIES, INC., :
:
Defendant.
----- X

DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF HENSON'S CLAIMS

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

I. AS TO PLAINTIFF HENSON.

A. AS TO PUNITIVE DAMAGES, IF ANY.

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Henson's federally-protected right to be free from race discrimination?

YES _____

NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES _____ NO _____

*If your answer is YES, do not answer any further questions and report to the Court.
If your answer is NO, proceed to Question No. 3.*

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Henson's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM

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Elise M. Bloom

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New York, New York 10036

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Attorneys for Defendant

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**DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM
FOR PLAINTIFF SPENCER'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

I. AS TO PLAINTIFF SPENCER.

A. AS TO PUNITIVE DAMAGES, IF ANY.

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Spencer's federally-protected right to be free from race discrimination?

YES _____

NO _____

If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES _____

NO _____

*If your answer is YES, do not answer any further questions and report to the Court.
If your answer is NO, proceed to Question No. 3.*

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Spencer's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$_____.

Sign the verdict form below and report to the Court.

DATED THIS _____ DAY OF _____, 2008:

Foreperson

END OF VERDICT FORM